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11 *Mortgage Servicing*

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13 **UNITED STATES DISTRICT COURT**
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15 **DISTRICT OF NEVADA**

16 NEWREZ LLC DBA SHELLPOINT
17 MORTGAGE SERVICING,

18 Plaintiff,

19 vs.

20 JOEL A. STOKES AND SANDRA F. STOKES,
21 as trustees of the JIMIJACK IRREVOCABLE
22 TRUST; DOE INDIVIDUALS I-X, inclusive,
23 and ROE CORPORATIONS I-X, inclusive,

24 Defendants.

25 Case No.: 2:20-cv-00946-JCM-BNW

26 **REVISED STIPULATED DISCOVERY
27 PLAN AND SCHEDULING ORDER**
28 **(SUBMITTED IN COMPLIANCE WITH
COURT ORDER, ECF NO. 27)**

29 Pursuant to the Court's minute order entered July 6, 2021 (ECF No. 27), the parties submit
30 the following revised proposed discovery plan and scheduling order.

31 **Meeting:** A meeting was held on July 9, 2021, and was attended by Nicholas E. Belay, Esq.,
32 counsel for NewRez LLC dba Shellpoint Mortgage Servicing (**Shellpoint**), and Joseph Hong, Esq.,
33 counsel for defendants Joel A. Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable
34 Trust (**Stokes**).

35 **1. Pre-Discovery Disclosures:**

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- 37 Shellpoint served its initial disclosures on October 28, 2020.
- 38 The Trust served its disclosures on February 25, 2021.

1 2. **Areas of Discovery:** Discovery should include, but not be limited to: all claims and
2 defenses allowed pursuant to the Federal Rules of Civil Procedure.

3 3. **Discovery Plan: Submitted In Compliance With ECF No. 27:** The parties submit a
4 revised discovery plan of **60 days** from the date of the Court's order granting Shellpoint's motion to
5 extend discovery. The discovery deadlines herein have been calculated from that date.

6 4. **Discovery Cut-Off Dates:** The parties submit that discovery shall be completed no
7 later than **Monday, September 6, 2021**,¹ and be conducted as follows:

8 A. **Amending the pleadings and Adding Parties:** No extension requested.

9 B. **FRCP 26(a)(2) Disclosures of Experts:** No extension requested.

10 C. **Dispositive Motions:** The parties shall have until **Wednesday, October 6, 2021**, to file dispositive motions, thirty (30) days after the discovery cut-off. In the event the discovery cut-off is extended, the deadlines for filing dispositive motions automatically will be extended until thirty (30) days after the new discovery cut-off date.

11 D. **Pre-Trial Order:** The parties will prepare a consolidated pre-trial order on or
12 before **Friday, November 5, 2021**, which is not more than thirty (30) days after the date set for
13 filing dispositive motions in the case. This deadline will be suspended if dispositive motions are
14 timely filed until thirty (30) days after the decision of the dispositive motions or until further order of
15 the court. The disclosure required FRCP Rule 26(a)(3) and objections thereto, shall be made in the
16 pre-trial order.

17 E. **Court Conferences:** If the court has questions regarding the dates proposed
18 by the parties, the parties request a conference with the court before entry of the scheduling order.

19 F. **Extensions or Modifications of the Discovery Plan and Scheduling Order:**
20 LR 26-3 governs modifications or extensions of this discovery plan and scheduling order. Any
21 stipulation or motion to extend a deadline set forth in the discovery plan and scheduling order must
22 be made not later than twenty-one (21) days before the subject deadline. Any stipulation or motion

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¹ The date occurring 60 days after the Court's order granting Shellpoint's motion to extend discovery falls on Saturday, September 4, 2021. The parties agree to move this deadline to the following business day.

1 to extend the discovery cut-off period must be made no later than **Monday, August 16, 2021**,
2 twenty-one (21) days before the discovery cut-off date.

3 **5. Other Items:**

4 **A. Format of Discovery:** Pursuant to the electronic discovery amendments to the
5 Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery
6 issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do not anticipate
7 discovery of native files or metadata at this time, but each party reserves the right to request such
8 electronic data as discovery progresses.

9 **B. Alternative Dispute Resolution:** The parties hereby certify that they met and
10 conferred about the possibility of using alternative dispute-resolution processes including mediation,
11 arbitration, and if applicable, early neutral evaluation (collectively, **ADR**) and determined that ADR is
12 not a viable option at this time.

13 **C. Alternative Forms of Case Disposition:** The parties hereby certify they
14 considered consent to trial by a magistrate judge and use of the short trial program and do not consent to
15 either at this time.

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1 **D. Electronic Evidence:** Not applicable as no jury trial has been demanded.

2 Dated this 9th day of July, 2021.

<p>3</p> <p>AKERMAN LLP</p> <p>4 <u>/s/ Nicholas E. Belay</u></p> <p>5 ARIEL E. STERN, ESQ. Nevada Bar No. 8276</p> <p>6 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125</p> <p>7 NICHOLAS E. BELAY, ESQ. Nevada Bar No. 15175</p> <p>8 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134</p> <p>9</p> <p>10 <i>Attorneys for NewRez LLC dba Shellpoint Mortgage Servicing</i></p>	<p>3</p> <p>HONG & HONG LAW OFFICE</p> <p>4 <u>/s/ Joseph Y. Hong</u></p> <p>5 JOSEPH Y. HONG, ESQ. Nevada Bar No. 5995</p> <p>6 1980 Festival Plaza Drive, Suite 650 Las Vegas, NV 89135</p> <p>7</p> <p>8 <i>Attorneys for Joel A. Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable Trust</i></p>
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12 **ORDER**

13 **IT IS SO ORDERED:**



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15 **UNITED STATES MAGISTRATE JUDGE**
Case No.: 2:20-cv-00946-JCM-BNW

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17 DATED: July 12, 2021